UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

CARL BOESING,)	
Petitioner,)	
v.) No. 4:02-CV-888 CA	S
AL LUEBBERS,)	
Respondent.)	

JUDGMENT

In accordance with the order of this date and incorporated herein,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED**. [Doc. 5]

IT IS FURTHER ORDERED that petitioner has not made a substantial showing of the denial of a constitutional right, such that reasonable jurists would find the Court's assessment of the constitutional claims debatable, or that the issues presented were adequate to deserve encouragement to proceed further, <u>Miller-El v. Cockrell</u>, 537 U.S. 222, 336 (2003), and therefore this Court will not issue a certificate of appealability. <u>See Slack v. McDaniel</u>, 529 U.S. 473, 484-85 (2000).

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 23rd day of May, 2005.